

effectiveness in treating brain tumors, and a method for predicting tumorigenesis, all methods comprising the determination of a gene expression profile by means of detecting polynucleotides, are elected for prosecution. Applicants acknowledge that Claims 1-6, 12-17, 23-29 and 31-33 will be examined with this group to the extent that these claims read on the detection of polynucleotides. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

In addition, Applicants hereby elect FGFR3 (M64347_at) as the gene for examination in this application.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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Dated:

11/14/02



MARKED UP VERSION OF AMENDMENTS

Claim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

1. (Amended) A method of classifying a brain tumor comprising the steps of:
 - a) obtaining a sample of cells derived from a brain tumor;
 - b) isolating a polynucleotide gene expression product from at least one informative gene from one or more cells in said sample; and
 - c) determining a gene expression profile of at least one informative gene, wherein the gene expression profile is correlated with a specific brain tumor sub-type.

14. (Amended) A method of predicting the efficacy of treating a brain tumor comprising the steps of:
 - a) obtaining a sample of cells derived from a brain tumor;
 - b) isolating a polynucleotide gene expression product from at least one informative gene from one or more cells in said sample; and
 - c) determining a gene expression profile of at least one informative gene, wherein the gene expression profile is correlated with a treatment outcome, thereby classifying the sample with respect to treatment outcome.

31. (Amended) A method for evaluating drug candidates for their effectiveness in treating brain tumors comprising:
 - a) obtaining samples of cells derived from a brain tumor;
 - b) isolating a polynucleotide gene expression product from at least one informative gene from one or more cells in said samples; and

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- c) determining a gene expression profile of at least one informative gene, wherein the gene expression profile is correlated with the effectiveness of the drug candidate in treating brain tumors.
32. (Amended) A method for monitoring the efficacy of a brain tumor treatment comprising:
- a) obtaining samples of cells at various time points derived from a patient being treated;
 - b) determining the polynucleotide expression profile of the samples;
 - c) classifying the samples for treatment outcome based on the expression profile; and
 - d) comparing the treatment outcome class of the samples at various times during treatment, wherein the efficacy of brain tumor treatment is determined.
33. (Amended) A method for predicting tumorigenesis comprising:
- a) obtaining samples of cells at various time points derived from a patient;
 - b) determining the polynucleotide expression profile of the samples;
 - c) classifying the samples as tumorigenic or non-tumorigenic based on the expression profile; and
 - d) comparing the tumorigenic class of the samples at various times, such that the onset of tumorigenesis can be predicted.